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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. PT-2010-2237

RICK ALAN DAVIS

P.O. Box 533

Springville, CA 93265

Psychiatric Technician License No.
PT 14210

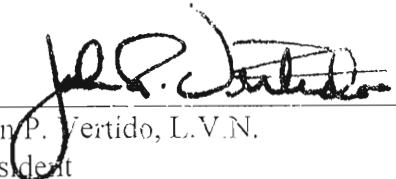
Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board
of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on May 22, 2011.

IT IS SO ORDERED this 22nd day of April, 2011.



John P. Vertido, L.V.N.
President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 E-mail: Brian.Turner@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. PT-2010-2237

12
13 **RICHARD ALAN DAVIS**
A.K.A. RICHARD ALAN DAVIS
14 **P.O. Box 533**
Springville, CA 93265

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 **Psychiatric Technician License No. PT**
14210

17 Respondent.
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19
20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this
21 proceeding that the following matters are true:

22 **PARTIES**

23 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the
24 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her
25 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
26 State of California, by Brian S. Turner, Deputy Attorney General.

27 2. Rick Alan Davis, a.k.a. Richard Alan Davis, P.O. Box 533, Springville, CA 93265
28 (Respondent) is represented in this proceeding by attorney Mary Moss, whose address is:

1 Tulare County Public Defender's Office
2 221 South Mooney Boulevard, Rm
3 Visalia, California

4 3. On or about November 22, 1972, the Board of Vocational Nursing and Psychiatric
5 Technicians issued Psychiatric Technician License No. PT 14210 to Rick Alan Davis
6 P.O. Box 533, Springville, CA 93265 (Respondent). The Psychiatric Technician License was in
7 full force and effect at all times relevant to the charges brought in Accusation No. PT 2010-2237
8 and will expire on November 30, 2012, unless renewed.
9

10 JURISDICTION

11 4. Accusation No. PT 2010-2237 was filed before the Board of Vocational Nursing and
12 Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending
13 against Respondent. The Accusation and all other statutorily required documents were properly
14 served on Respondent on February 14, 2011. Respondent timely filed his Notice of Defense
15 contesting the Accusation. A copy of Accusation No. PT 2010-2237 is attached as Exhibit A and
16 incorporated by reference.

17 ADVISEMENT AND WAIVERS

18 5. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Accusation No. PT 2010-2237. Respondent also has carefully read,
20 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
21 and Order.

22 6. Respondent is fully aware of his legal rights in this matter, including the right to a
23 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
24 his own expense; the right to confront and cross-examine the witnesses against him; the right to
25 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
26 the attendance of witnesses and the production of documents; the right to reconsideration and
27 court review of an adverse decision; and all other rights accorded by the California
28 Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. PT 2010-2237, agrees that cause exists for discipline and hereby surrenders his Psychiatric Technician License No. PT 14210 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an Order accepting the surrender of his Psychiatric Technician License without further process

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Vocational Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Psychiatric Technician License No. PT 14210, issued to Respondent Rick Alan Davis is **surrendered** and **accepted** by the Board of Vocational Nursing and Psychiatric Technicians.

1. The surrender of Respondent's Psychiatric Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a psychiatric technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. PT 2010-2237 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. PT-2010-2237 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Vocational Nursing and Psychiatric Technicians's Decision and Order.

7. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$1,000.00 prior to issuance of a reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Mary Moss. I understand the stipulation and the effect it will have on my Psychiatric Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

DATED:

2/15/2011

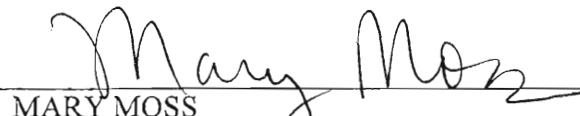


RICK ALAN DAVIS
Respondent

I have read and fully discussed with Respondent Rick Alan Davis the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

2/15/2011



MARY MOSS

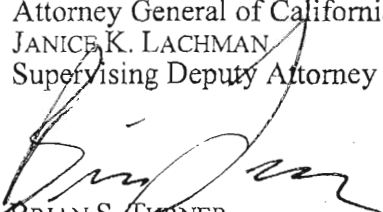
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated: February 22, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



BRIAN S. TURNER
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. PT-2010-2237

1 KAMALA D. HARRIS
Attorney General of California
2 Janice K. Lachman
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
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Facsimile: (916) 327-8643
7 E-mail: Brian.Turner@doj.ca.gov
Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF LICENSED VOCATIONAL NURSING**
11 **AND PSYCHIATRIC TECHNICIANS**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. PT 2010-2237

15 **RICK ALAN DAVIS**
16 **A.K.A RICHARD ALAN DAVIS**
17 **P.O. Box 533**
18 **Springville, CA 93265**

A C C U S A T I O N

19 Psychiatric Technician License No. PT 14210

Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Teresa Bello-Jones, J.D., M.S.N. R.N. (Complainant) brings this Accusation solely in
23 her official capacity as the Executive Officer of the Board of Licensed Vocational Nursing and
24 Psychiatric Technicians (Board), Department of Consumer Affairs.

25 2. On or about November 22, 1972 the Board issued Psychiatric Technician License
26 Number PT 14210 to Rick Alan Davis, a.k.a. Richard Alan Davis (Respondent). The Psychiatric
27 Technician License was in full force and effect at all times relevant to the charges brought herein
28 and will expire on November 30, 2012, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board, Department of Consumer Affairs, under
3 the authority of the following laws. All section references are to the Business and Professions
4 Code unless otherwise indicated.

5 **STATUTORY AND REGULATORY PROVISIONS**

6 4. Section 490 of the Code provides, in pertinent part, that a board may suspend or
7 revoke a license on the ground that the licensee has been convicted of a crime substantially
8 related to the qualifications, functions, or duties of the business or profession for which the
9 license was issued.

10 5. Section 493 of the Code states in relevant part:

11 “Notwithstanding any other provision of law, in a proceeding conducted
12 by a board within the department pursuant to law to to suspend or revoke a
13 license or otherwise take disciplinary action against a person who holds a license,
14 upon the ground the licensee has been convicted of a crime substantially related
15 to the qualifications, functions, and duties of the licensee in question, the record of
16 conviction of the crime shall be conclusive evidence of the fact that the conviction
17 occurred ...and the board may inquire into the circumstances surrounding the
18 commission of the crime in order to fix the degree of discipline or to determine if the
19 conviction is substantially related to the qualifications, functions, and duties of the
20 licensee in question.

21 6. Section 4521 provides in relevant part:

22 “The board may suspend or revoke a license issued under this chapter for
23 any of the following:

24 (a) Unprofessional Conduct.....

25 (f) Conviction of a crime substantially related to the
26 qualifications, functions, and duties of a licensed psychiatric technician,
27 in which event the record of the conviction shall be conclusive
28 evidence of the conviction.

(m) The commission of any act punishable as a sexually related
crime, if that act is substantially related to the duties and
functions of the licensee.”

7. Title 16 California Code of Regulations section 2576.6(b) provides in relevant part:

b) A licensed psychiatric technician shall adhere to standards of the
profession and shall incorporate ethical and behavioral standards of professional

1 practice.....

2 (c) A violation of this section constitutes unprofessional conduct for
3 purposes of initiating disciplinary action.”

4 **COST RECOVERY**

5 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request
6 the administrative law judge to direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 **PRIOR DISCIPLINE**

10 9. On or about December 28, 2000, the Board adopted the proposed decision of
11 Administrative Law Judge John Wagner. A copy of the adopted decision is attached as Exhibit A
12 and by this reference incorporated herein. The decision found, among other things, Respondent
13 was grossly negligent. The circumstances were Respondent shaved a client adult female's pubic
14 area without authorization and then called a female co-worker in to view the client.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Crime)**

17 10. Respondent has subjected his license to disciplinary action pursuant to sections
18 490 and 4521 (f) in that respondent was convicted by a plea of no contest on January 18, 2011 for
19 violating Penal Code section 311.11(A). The circumstances are as follows:

20 11. On or about November 30, 2009, law enforcement officials received information
21 respondent possessed images of prepubescent female's genitalia. Law enforcement conducted a
22 search of respondent's residence with Respondent's consent including a search of Respondent's
23 computer. The computer search revealed imaging that included multiple images of prepubescent
24 females' genitalia and prepubescent females engaged in sexually explicit conduct.

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12. Respondent has subjected his license to disciplinary action pursuant to section 4521(m) in that Respondent was convicted of a crime involving sexual misconduct. The circumstances are as follows:

THIRD CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

15. Paragraphs 10 and 11 are incorporated herein as though set forth at length. In doing the things underlying the conviction, Respondent committed unprofessional conduct by violating the ethical and behavioral standards of psychiatric technicians.

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Licensed Vocational Nursing and Psychiatric Technicians issue a decision:

2. Ordering Rick Alan Davis to pay the Board of Licensed Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

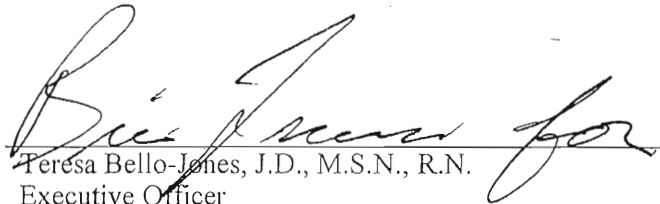
/ / /

1 3. Ordering Rick Alan Davis to furnish to the Board all licenses and certificates issued
2 by the Board within two weeks of the effective date of the decision.

3 4. Taking such other and further action as deemed necessary and proper.

4
5
6 DATED:

2/14/2011



Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer
Board of Licensed Vocational Nursing
and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

ACCUSATION NO. P.T. 2010-2237

IN RE RICK ALAN DAVIS

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

Case No. T-979

RICK ALAN DAVIS, a.k.a.)
RICHARD ALAN DAVIS)
P.O. Box 533)
Springville, CA 93265)

OAH No. N2000040252

Psychiatric Technician License)
Number PT 14210)


Respondent.)
_____)

DECISION

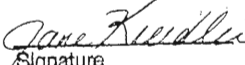
The attached Proposed Decision of the Administrative Law Judge is hereby adopted
by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the
above entitled matter.

This Decision shall become effective on January 28, 2001.

IT IS SO ORDERED this 28th day of December, 2000.


Carolyn Duncan

President
Certified to be a true and correct
copy of the document filed with the
California Board of Vocational Nursing
and Psychiatric Technicians

 1-26-11
Signature Date



BEFORE THE
BOARD OF VOCATIONAL NURSING AND
PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RICK ALAN DAVIS aka,
RICHARD ALAN DAVIS
P. O. Box 533
Springville, California 93265

License No. PT 14210

Respondent.

Case No. T-979

OAH No. N 2000040252

PROPOSED DECISION

On July 25, 2000, in Porterville, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Claimant was represented by Kent D. Harris, Deputy Attorney General.

Respondent was present and was represented by Ben Allamano, Attorney at Law.

Evidence was received and the record remained open for the receipt of written closing arguments. The arguments were received and marked Exhibits 20 and C. The record was closed and the matter was submitted on August 7, 2000.

FACTUAL FINDINGS

1. Complainant Teresa Bellow-Jones, J. D., MS, RN, made and filed the accusation in her official capacity as Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, State of California.

2. On November 22, 1972, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician license no. PT 14210 to respondent Rick Alan Davis, aka Richard Alan Davis. The license will expire on November 30, 2000, unless renewed.

3. Prior to 1999, respondent Davis was employed as a psychiatric technician at Porterville Development Center, Porterville, California, for approximately 26 years. After November 1976, he was employed as a senior psychiatric technician. Beginning in approximately 1996, respondent became a supervising senior psychiatric technician on the night shift of "Unit 26". Unit 26 consisted entirely of wheelchair bound clients, except for two or three walking infirm. In approximately October 1998, respondent was terminated from his position as a psychiatric technician at Porterville Developmental Center. He was terminated for cause relating to the following findings. Respondent is currently working for a private registry providing psychiatric technician services at Cocheran State Prison.

4. In 1997 and 1998, client BS was a 30 year old female client on Unit 26. Client BS is non-verbal and non-ambulatory. She requires complete assistance with her bathing, dressing, grooming and hygiene. She needs complete assistance for dining to maintain proper nutrition and hydration. She wears incontinent briefs and is unable to communicate to staff when she is in need of changing. She is difficult to manage at times because of spastic movements. She requires a chronic constipation diet. She uses a wheelchair but is unable to maneuver the chair by herself. The chair is equipped with seatbelt, heel and toe straps, and a padded lap tray. BS has an IQ of approximately 20 and does not communicate or use communication devices. She does whine, cry, scream, and occasionally giggle as a response.

Client BS' has explosive bowel movements. Her stools are messy, sticky and often matted in her pubic hair. She was difficult to "special" (clean) after a bowel movement. During his shift, respondent usually provided care for BS. She was known to be one of his "favorites".¹

5. On or about September 16, 1997, respondent summoned a female psychiatric technician into client BS's bedroom saying, "I want to show you my artwork," or words to that effect. When the invited psychiatric technician got to BS's bed, respondent pulled BS's diaper, exposing her genitals, to show the psychiatric technician that he had shaved all of the pubic hair off of her genitals. BS was lying on her back in the bed. Respondent had shaved the pubic hair without a doctor's order or other authority. He had completed specializing BS and decided to shave her because she was difficult to clean. Upon observing BS, the invited psychiatric technician exclaimed "Oh my god!", and left the area. The psychiatric technician was a trainee at the time.

¹ It was common for psychiatric technicians to prefer giving care to some clients more than others. These clients were known as "favorites".

6. On or about January 15, 1998, at about 8:30 p.m., while respondent was on duty, he called a female rehab therapist into client BS's bedroom. He said to the therapist, "come look at my handiwork", or words to that effect. BS was lying on her back in the bed. Respondent displayed her genital area and showed the therapist that respondent had shaved the pubic hair off of BS's genital area. Again, respondent had completed specializing BS and decided to shave her pubic hair. Upon seeing the shaved area, the therapist said, "You're a weirdo!", and left. Once again, respondent shaved BS's pubic hair without any doctor's order or other authority.

7. Respondent's conduct set forth in findings 6 and 7 were a substantial departure from the standard of care which, under similar circumstances, would ordinarily be exercised by a competent licensed psychiatric technician. It could have resulted in harm to the consumer. His care indicated a conscious disregard or indifference for the health, safety, or welfare of BS. His conduct was gross negligence. It was unprofessional conduct.

Psychiatric technicians do not shave the pubic areas of clients without authority, such as a doctor's order. Such an order might be written if a client has a skin rash, pubic pediculosis, or for some other medical reason. With regard to shaving pubic hair, this is the standard for psychiatric technicians. It is the standard regardless of where in the state of California a psychiatric technician is providing licensed services. It is not dependent upon any particular written policy or written standard of care, or the absence of a written policy or written standard of care, at the psychiatric technician's place of employment. It is not specific to any particular employment location. Respondent's above conduct fell substantially below this standard of conduct.

8. The conduct set forth in findings 6 and 7 constituted gross negligence and mistreatment or abuse of client BS by respondent. It is unprofessional conduct.

9. On or about September 18, 1997, while respondent was employed as a senior psychiatric technician at Porterville Developmental Center, he brought to work a sexually explicit black and white drawing which displayed an extremely close view of a woman's vaginal area, clean shaven, with jewelry piercing the labia area. He showed the drawing to his subordinate staff members. Such conduct was inappropriate and unprofessional because of its potential to be construed as sexual harassment.

10. The facts and circumstances surrounding the display of this card are somewhat mitigating. Respondent received the card in the mail. It was sent to him by his male roommate who was vacationing in Washington State. The card was intended to be a humorous puzzle. Because the pierced genitalia were drawn, as they would be viewed from an extremely close position, they were not easily discerned as female genitalia. It took sometime to study the card's depiction in order to determine what was being illustrated. After respondent determined what was illustrated, he showed the card to subordinates as a humorous test of their ability to recognize the illustration. He was not intending to show pornography.

Respondent obtained this card at the post office on his way to work. The fact that he did not intend to take potentially offensive illustration to work, and the fact that the illustration itself was not intended to be solely pornographic, constitutes some mitigation of respondent's conduct.

11. It was not proved that respondent's conduct set forth in finding 6 and 7 constitute acts punishable as sexually related crimes. In particular, it was not proved that said conduct is a crime pursuant to section 243.4 (b) (sexually battery of an institutionalized person) of the penal code. A violation of this statute requires a touching for the purpose of sexual arousal, sexual gratification, or sexual abuse. Although respondent touched BS, it was not proved that he did so for sexual arousal, gratification or abuse. While some evidence was received suggesting that respondent could be a sexual offender or predator, who might take advantage of a dependent female adult who is prepubescent in physical appearance, this contention was not proved. No credible expert testimony supported this theory. It was therefore not proved that respondent's conduct was motivated by sexual arousal, sexual gratification, or sexual abuse.

12. The reasonable cost of investigating and prosecuting this case, as of the beginning of the hearing on July 25, 2000, is \$3,724.25.

CONCLUSIONS OF LAW

1. Cause for discipline of respondent's license was established for unprofessional conduct in violation of section 4521 (a) (1) (gross negligence) of the Business and Professions Code, by reason of finding 8.

2. Said cause was also established for violation of section 4521 (i) (mistreatment or abuse) of said code, by reason of finding 8.

3. Said cause was established for violation of section 4521 (a) (unprofessional conduct not otherwise specified), by reason of finding 9.

4. Said cause was not established for violation of section 4521 (l) (act punishable sexually related crime), of said code by reason of finding 11.

5. Based upon the above findings, the mistreatment or abuse of client BS was the result of poor judgment by respondent leading to gross negligence and unprofessional conduct. It was not proved that said poor judgment was motivated by any sexual perversion. The essence of the above findings indicates intermediate discipline based upon gross negligence.

6. Respondent should pay the sum of \$3,724.25 to the Board of Vocational Nursing and Psychiatric Technicians pursuant to sections 125.3 of the Business and Professions Code, by reason of finding 12.

ORDER

Wherefore, the following order is hereby made: psychiatric technician license number pt 14210 issued to Rick Alan Davis is revoked. However, said revocation is stayed and the license is placed on probation for a period of three years under the following terms and condition:

1. OBEY ALL LAWS

Respondent shall obey all federal, state and local laws, including all statutes and regulations governing his license.

Further, Respondent shall, within five (5) days of any arrest, submit to the Board in writing a full and detailed account of such arrest.

2. COMPLY WITH PROBATION PROGRAM

Respondent shall fully comply with the probation program established by the Board and shall cooperate with representatives of the Board.

3. ADDRESS CHANGE

Respondent, within five (5) days of a change of residence or mailing address, shall notify the Board's Enforcement Unit in writing of the new address.

4. OUT-OF-STATE RESIDENCY

Respondent is required to notify the Board immediately in writing if he leaves California to reside or practice in another state.

Respondent shall notify the Board immediately upon return to California.

The period of probation shall not run during the time respondent is residing or practicing outside California.

5. SUBMIT QUARTERLY REPORTS

Respondent shall submit quarterly reports under penalty of perjury, in a form required by the Board. The reports shall certify and document compliance with all the conditions of probation.

6. NOTIFY EMPLOYER

When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify his employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of his probationary status with the Board prior to accepting such employment. This notification shall be by providing the employer or prospective employer with a copy of the Board's Accusation and disciplinary order.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Registered Nurse, Medical Technical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant and Home Health Aide.

Respondent shall cause each health care employer to submit quarterly reports to the Board. The reports shall be on a form provided by the Board, shall include a performance evaluation and such other information as may be required by the Board.

Respondent shall inform the Board of any change in employment status, in writing, within ten (10) days of such change.

7. INTERVIEWS WITH BOARD REPRESENTATIVE(S)

Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals and with reasonable notice. An initial probation visit will be required within sixty (60) days of the effective date of the Decision. The purpose is to introduce Respondent to the Board's representative(s) and to familiarize Respondent with specific probation conditions and requirements. Additional meetings will be scheduled as required.

8. EMPLOYMENT LIMITATIONS

While on probation, Respondent may not work for a nurses' registry, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course.

9. EDUCATIONAL COURSE

Respondent shall take and successfully complete coursework substantially related to the violation. The coursework shall be in addition to that required for license renewal. The Board shall within sixty (60) days of the effective date of the Decision, advise the Respondent of the course content and number of contact hours required. Within thirty (30) days thereafter, Respondent shall submit a

plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Respondent shall successfully complete the required remedial education no later than the end of the first year of probation. Upon successful completion of the course, Respondent shall cause the instructor to furnish proof to the Board immediately.

10. FUNCTION IN LICENSED CAPACITY --

During probation, the Respondent shall work in his/her licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

11. MAINTAIN VALID LICENSE

Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which suspension or probation is tolled.

Should respondent's license, by operation of law or otherwise, expire, upon renewal or reinstatement respondent's license shall be subject to any and all terms of this probation not previously satisfied.

12. VIOLATION OF PROBATION

If Respondent violates probation in any respect the Board may seek to revoke probation and carry out the disciplinary order that was stayed. The Respondent shall receive prior notice and the opportunity to be heard. If an Accusation or Petition to Vacate Stay is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended until the matter is final.

13. RECOVERY OF COSTS

Respondent shall pay the sum of \$3,724.25 to the Board of Vocational Nursing and Psychiatric Technicians within 120 days after this decision is final. However, if respondent demonstrates financial hardship he shall enter into a formal agreement with the board to reimburse cost over a longer period of time, as directed by the board, or its designee.

14. COMPLETION OF PROBATION

Respondent's license will be fully restored upon successful completion of probation.

DATED: September 11, 2000

John D. Wagner
JOHN D. WAGNER
Administrative Law Judge
Office of Administrative Hearings

Certified to be a true and correct
copy of the document filed with the
California Board of Vocational Nursing
and Psychiatric Technicians

Jane Kiedler 1-26-11
Signature Date

BILL LOCKYER, Attorney General
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Attorneys for Complainant

BEFORE THE
BOARD OF VOCATIONAL NURSING AND
PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

NO. T-979

ACCUSATION

RICK ALAN DAVIS
aka RICHARD ALAN DAVIS
P.O. Box 533
Springville, California 93265
Psychiatric Technician License
No. PT 14210

Respondent.

Teresa Bello-Jones, J.D., M.S., R.N., as cause for discipline alleges:

1. Complainant Teresa Bello-Jones, J.D., M.S., R.N., makes and files this
accusation in her official capacity as Executive Officer, Board of Vocational Nursing and
Psychiatric Technicians, Department of Consumer Affairs, State of California.

LICENSE INFORMATION

2. On November 22, 1972, the Board of Vocational Nursing and Psychiatric
Technicians issued psychiatric technician license number PT 14210, to Rick Alan Davis also
known as Richard Alan Davis (hereinafter referred to as respondent). On November 30, 2000,
the license will expire, if not renewed.

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1 genital area while she was lying on her back in her bed and told the therapist words to the effect,
2 "come look at my handywork," describing how he had shaved the client's pubic area even
3 though he was not authorized or ordered by a physician to do so.

4 7. Respondent has subjected his license to discipline under Business and
5 Professions Code section 4521(i) on the grounds of unprofessional conduct in that while
6 employed as a senior psychiatric technician at Porterville Developmental Center, Porterville,
7 California, while providing care to B.S., a 30-year old developmentally disabled female client, he
8 mistreated or abused the client by the acts set forth in paragraph 6.

9 8. Respondent has subjected his license to discipline under Business and
10 Professions Code section 4521(l) in that while employed as a senior psychiatric technician at
11 Porterville Developmental Center, Porterville, California, he committed acts punishable as
12 sexually related crimes substantially related to the duties and functions of a psychiatric
13 technician for the acts set forth in paragraphs 6 and 7.

14 9. Respondent has subjected his license to discipline under Business and
15 Professions Code section 4521(a) on the grounds of unprofessional conduct in that on
16 December 18, 1997, while employed as a senior psychiatric technician at Porterville
17 Developmental Center, Porterville, California, he brought to work a sexually explicit photo card
18 which displayed a closeup view of a woman's vaginal and pubic area, clean shaven, with jewelry
19 piercing the labia area which he showed to his subordinate staff members.

20 PRAYER

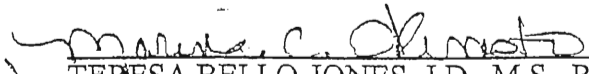
21 WHEREFORE, complainant prays that a hearing be held and that the Board of
22 Vocational Nursing and Psychiatric Technicians make an order:

23 1. Revoking or suspending psychiatric technician license number PT 14210,
24 issued to Rick Alan Davis, also known as Richard Alan Davis.

25 2. Ordering respondent to pay to the Board its costs for the investigation and
26 enforcement of the case according to proof at the hearing pursuant to Business and Professions
27 Code section 125.3.

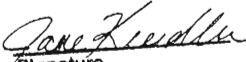
1 3. Taking such other and further action as may be deemed proper and appropriate.

2 DATED: March 23, 2000

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6 TERESA BELLO-JONES, J.D., M.S., R.N.
7 Executive Officer
8 Board of Vocational Nursing and
9 Psychiatric Technicians
10 Department of Consumer Affairs
11 State of California

12 Complainant

13 Certified to be a true and correct
14 copy of the document filed with the
15 California Board of Vocational Nursing
16 and Psychiatric Technicians

17  1-26-11
18 Signature Date

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